



HUNTON ANDREWS KURTH LLP
200 PARK AVENUE
NEW YORK, NY 10166-0005

TEL 212 • 309 • 1000
FAX 212 • 309 • 1100

JENNIFER L. BLOOM
DIRECT DIAL: 212 • 309 • 1314
EMAIL: jbloom@hunton.com

FILE NO: 121271.0000004

September 19, 2019

Via ECF

Hon. Ronnie Abrams, District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Lixenberg v. Oath Inc.*, 1:19-cv-01208 (RA)

Dear Judge Abrams:

We represent Oath Inc. (“Oath”) in the above-captioned matter. We submit this letter jointly with Plaintiff’s counsel. We write respectfully to advise in accordance with the Court’s September 11, 2019 Order (Dkt. 47), with regard to the additional discovery sought by both parties.

The parties met and conferred as to additional discovery items on September 17, 2019.

Plaintiff requested that Oath produce documents and material pursuant to its Request for Production Nos. 1, 2, 5, 8, 12, 23, and 28.

Oath requested that Plaintiff produce documents and material pursuant to its Request for Production Nos. 2, 3, 5, 7, 9, 11, 13, and 14. These requests generally seek documents regarding Plaintiff’s copyright registration, any licensing agreements entered into by Plaintiff for the photograph at issue, and any documents supporting Plaintiff’s damages claim.

The parties are both available for the deposition of Mr. Bromley during the first week of October. Oath will serve Mr. Bromley with a document request as part of the subpoena. As part of that request, Plaintiff has requested that Oath include two requests from Plaintiff.

Oath also indicated that dependent upon the content of the licensing agreements produced by Plaintiff, it may become necessary for Oath to depose Plaintiff. Plaintiff’s counsel indicated that should that occur, Plaintiff will wish to take Oath’s deposition as well.

The parties are continuing to engage in settlement discussions.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer L. Bloom". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Bloom".

Jennifer L. Bloom

cc: Counsel of record (via ECF)